

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JUBRIL PECOU and ASHLEY SCHIEFER,
individually and as representatives of a class
of similarly situated persons, and on behalf of
the Bessemer Trust Company 401(k) and
Profit Sharing Plan,

Plaintiffs,

v.

BESSEMER TRUST COMPANY and
PROFIT SHARING PLAN COMMITTEE
OF BESSEMER TRUST COMPANY

Defendants.

Case No. 1:22-cv-01019-MKV

CLASS ACTION

**PLAINTIFFS' NOTICE OF MOTION
AND MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on February 6, 2024, at 2:00 p.m., before the Honorable Mary Kay Vyskocil, United States District Judge, in Courtroom 18C, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, Plaintiffs Jubril Pecou and Ashley Schiefer ("Plaintiffs") will and hereby do move this Court for an Order granting final approval of the Parties' proposed Class Action Settlement Agreement.

Plaintiffs make this motion under Federal Rule of Civil Procedure 23(e) and Article 3.2.6 of the Parties' Class Action Settlement Agreement, *ECF No. 62-1*, and based on the accompanying Memorandum of Law and authorities cited therein, the Declarations of Brock Specht, Jeffrey Mitchell, and Joseph Clark, and exhibits thereto, the previously filed declarations of the Class Representatives, *ECF Nos. 63, 64*, and Class Counsel, *ECF Nos. 62, 71*, the Settlement Agreement, the Court's Preliminary Approval Order, *ECF No. 66*, and all files, records, and proceedings in

this matter. Plaintiffs are submitting a proposed Final Approval Order in connection with this motion.

Class Counsel conferred with Counsel for Defendants regarding this motion and have been advised that although Defendants dispute Plaintiffs' allegations and deny any and all liability for any alleged violations of ERISA or any other law, they do not oppose the motion.

Dated: January 23, 2024

Respectfully submitted,

NICHOLS KASTER, PLLP

By: s/ Brock J. Specht
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